

Chapter 6-2 Weed Control

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Adopted by Ordinance No. 4683. Derived from Ordinance Nos. 678, 1935, 3253.

6-2-1 Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare and preserve neighborhood environments by regulating the type and height of weeds and brush that are allowed in the city and to exempt certain areas of the city from the restrictions of this chapter, particularly mountain parks, streams, and watercourses, open space, and stream rights-of-way, that should be allowed to remain in a natural-appearing state.

6-2-2 Definitions.

(a) For purposes of this chapter, "weeds" means grass and herbaceous plants, but does not include plants in flower or vegetable gardens; small plots of wheat, barley, oats, or rye; and planned and maintained shrubs and woody plants.

(b) For purposes of this chapter, "brush" means woody shrubs not part of a planned and maintained landscape of either a highly structured manicured type or a natural appearance.

6-2-3 Growth or Accumulation of Weeds Prohibited.

No owner, lessee, agent, occupant, or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof in the city shall permit or maintain on any such lot or tract of land or along the sidewalk, street, or alley adjacent thereto any growth of weeds to a height greater than twelve inches.

6-2-4 Growth and Accumulation of Brush Prohibited.

No owner, lessee, agent, occupant, or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof in the city shall permit or maintain on any such lot or tract of land or along the sidewalk, street, or alley adjacent thereto any growth of brush.

6-2-5 Growth of Weeds or Brush as Nuisance Prohibited.

No owner, lessee, agent, occupant, or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof in the city shall permit any growth of brush or weeds that does any of the following things:

(a) Constitutes a nuisance by collecting trash, debris, or rubble;

(b) Creates a fire hazard;

(c) Harbors wildlife or pests that are hazards to public health or safety;

(d) Contains Canadian Thistle or Russian Knapweed; or

(e) Contains any other weed adopted pursuant to Section 6-2-9, "City Manager Authorized to Issue Rules," B.R.C. 1981.

Ordinance Nos. 5036 (1987); 7081 (2000).

6-2-6 City Manager may Cut and Remove Weeds or Brush.

(a) If the city manager finds that any weeds or brush exist on any property in violation of this chapter, the manager shall request that the owner and the lessee, agent, occupant, or other person in possession or control of the property correct the violation and bring the property into conformity with the standards of this chapter.

(b) The city manager shall notify the owner and the lessee, agent, occupant, or other person in possession or control of the property that such persons have seven days from the date of the notice to make such corrections, or such longer time as the manager finds appropriate in view of the nature and extent of the violation. Notice under this subsection is sufficient if it is deposited in the mail first class to the last known owner of property on the records of the Boulder County Assessor and to the last known address of the lessee, agent, occupant, or person in possession or control of the property.

(c) If the person notified fails to correct the violation as required by the notice prescribed by subsection (b) of this section, the city manager may correct the violation by cutting or removing the weeds or brush and charge the costs thereof, plus an additional amount of \$25.00 for administrative costs, to the owner and to the lessee, agent, occupant, or other person in possession and control of the property.

(d) If any property owner fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Boulder County Treasurer to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

6-2-7 Defenses.

(a) It is a specific defense to a charge of violating Section 6-2-3, "Growth or Accumulation of Weeds Prohibited" or 6-2-4, "Growth and Accumulation of Brush Prohibited," B.R.C. 1981, that the lots on which the growth occurs is one-half acre or more in size and is a non-buildable outlot designed and restricted to remain as open space.

(b) It is a specific defense to a charge of violating Section 6-2-3, "Growth or Accumulation of Weeds Prohibited," B.R.C. 1981, that the part of the weed exceeding twelve inches is a seedhead, the seeds have not yet matured, and the weed is a part of a maintained landscape.

6-2-8 Exceptions to Chapter.

(a) In order to retain certain city properties in their natural states, city-owned parks, open space, street rights of way, and stream beds or banks are exempt from the requirements of Sections 6-2-3, "Growth and Accumulation of Weeds Prohibited" and 6-2-4, "Growth and Accumulation of Brush Prohibited," B.R.C. 1981.

(b) Wetlands, as defined in Section 9-9-2, "Definitions," B.R.C. 1981, are exempt from the requirements of this chapter.

Ordinance No. 5036 (1987).

6-2-9 City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement

the requirements of this chapter.

6-2-10 Advisory Board.

City council shall be the local advisory board for all state and local noxious weed statutes, ordinances and regulations. The mayor shall be the chair and the deputy mayor shall be the secretary. A majority of the members of the board shall constitute a quorum.

Ordinance No. 7081 (2000).

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